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October 25, 2024

VIA EMAIL &
HAND DELIVERY

Jodi Kugler
City of Stuart
121 SW Flagler Avenue
Stuart, FL 34994

RE: Polk Street Hotels, Inc., a Florida for profit corporation
Section 11.01.09 - Zoning Map Change Application
Property Address: 505 SW Federal Highway, Stuart, Florida 34994 (the "Property")
PCN: 05-38-41-000-000-00170-7

Dear Ms. Kugler:

This office represents the interests of Polk Street Hotels, Inc., a Florida for profit corporation, (the "Owner") as it pertains to Owner's application to the City of Stuart for a zoning map change on the southeastern portion of the Property from Urban Waterfront to Urban Highway.

As the enclosed application packet, will demonstrate, the Owner's request satisfies the zoning map standards contained in Section 11.01.09 in that:

A. The existing land use pattern:

The Property is located along the intersection of Federal Highway and SW 6th Street. My client purchased the Property, which consisted of three separate lots, in April 2023. The Owner then joined these parcels in a unity of title on May 10, 2023.[1] The northern and western portions of the Property are zoned Urban Highway, while the southeastern portion of the Property retained the Urban Waterfront zoning designation.

This is inconsistent with the Property, the surrounding community, and the existing land use pattern. The majority of the Property is zoned Urban Highway, which is appropriate due to the location along Federal Highway. The Property's southeastern portion is zoned Urban Waterfront, *despite the lack of any frontage along Frazier*

[1] Recorded in Martin County Official Records Book 3374, Page 45.

Creek*. Stated differently, the portion of the property zoned Urban Waterfront is not actually located along any waterfront. The Urban Waterfront portion of the Property is currently vacant.[2] The surrounding properties vary in zoning depending on location. All properties on the eastern side of Federal Highway located north of this portion of the Property are zoned Urban Highway until SW Joan Jefferson Way. The properties immediately south contain a mixture of Urban Highway zoning located along the Federal Highway right-of-way and Urban Neighborhood on the eastern portion of those lots. The property immediately east is zoned Urban Waterfront – which is more appropriate since this lot *actually contains waterfrontage.

Amending the zoning map will ensure the entire Property is zoned consistently, facilitating appropriate redevelopment consistent with the existing land use pattern, rather than applying inconsistent and contradictory zoning regulations to the Property.

B. The possible creation of an isolated district unrelated to adjacent and nearby districts:

The City's failure to rezone the Property is more likely to create an isolated district unrelated to adjacent and nearby districts. The Unity of Title that combined the separate lots into one parcel resulted in Property that is mostly zoned Urban Highway – except for the southeastern portion that remains Urban Waterfront. This is despite the fact that this portion of the Property *does not actually have any frontage along Frazier Creek or any other waterway*. In fact, this would be the only property near Frazier Creek that is zoned Urban Waterfront *without any frontage along the Creek.* Directly north of this Property is a large parcel zoned Urban Highway.[3] The property directly south of our property is a mixture of Urban Highway on the frontage with Federal Highway and Urban Neighborhood on the eastern portion of the property.[4] While the adjacent property just east of my client's Property is currently zoned Urban Waterfront, this is understandable given that the neighboring property contains frontage along Frazier Creek. Additionally, the rezoning of my client's Property will not create an isolated pocket zoned Urban Waterfront because the adjacent eastern property shares the Urban Waterfront zoning designation with neighboring properties that have frontage Frazier Creek.

Rezoning this portion of the Property to Urban Highway will *remove* the isolated Urban Waterfront district from the Property, make the Property's zoning consistent, and correct the landlocked Property's zoning by removing the "Waterfront" designation.

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[2] The remaining portion of the property was previously a funeral home.
[3] This property is 421 SW Federal Highway, Stuart, FL 34994.
[4] This property is 603 SW Federal Highway, Stuart, FL 34994.

C. The population density pattern of the area and possible increase or overtaking of the load on public facilities such as schools, utilities, and streets:

The requested rezoning application will not increase the population density pattern of the area and will not increase the load of public facilities.

The majority of the Property is currently zoned Urban Highway. This application seeks to rezone the southeastern portion of the Property, still zoned Urban Waterfront despite the recent Unity of Title. Rezoning this portion of the Property will remove certain conflicting development regulations between the two zoning districts. However, it will not dramatically change permitted uses for the Property. Urban Highway's zoning district is for "highway-oriented commercial or high density residential uses",[5] while Urban Waterfront is for "special waterfront-oriented uses, including marinas, restaurants, entertainment, hotels, and higher-density residential."[6] These similar uses between the two zoning districts will ensure that the rezoning application will have an immaterial impact on the City's population density and public infrastructure. In fact, the proposed use as a hotel is permitted in both zoning districts. This proposed use will not increase population density or impact local schools because there is no residential component to hotel. Additionally, since the uses between the two zoning districts are so similar, it is unlikely that the rezoning application will result in more intense demands on local utilities or streets than what currently exists with the Urban Waterfront designation. Finally, the Property's proposed redevelopment was investigated by traffic engineers Simmons & White. The Traffic Impact Statement determined that the development of a hotel on the Property would have "an insignificant impact on all major roadways."

D. The possible overloading of the city's sewage collection, treatment, and disposal facilities:

As stated above, the permitted uses between the Urban Highway and Urban Waterfront zoning districts are similar. This similarity means that granting the requested rezoning application is unlikely to result in a difference between the Property's existing rights and those associated impacts to sewage collection, treatment, and disposal facilities with what could occur if the rezoning application is granted. The Property's proposed use as a hotel is permitted in both the Urban Highway and Urban Waterfront zoning districts. Since this use will stay the same, there will be no possibility of an increased burden for sewage capacity, treatment, or disposal by granting the rezoning request.

E. The possible overloading of the city's drainage system:

As previously mentioned, the permitted uses for the Property will remain very similar. The proposed use as a hotel is permitted in both the Urban Highway and Urban Waterfront districts. As such, the requested zoning change will not result in

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[5] *See* Chapter III, Sec. 3.01.03, Urban Code, CITY OF STUART LAND DEVELOPMENT REGULATIONS (2024).
[6] *See* Id.

change or overloading of the City's drainage system. The Property's potential runoff will remain the same whether the zoning change is approved or denied. Additionally, the proposed civil engineering plans, prepared by EA3 Civil Engineering, Inc., utilize exfiltration, site regrading, and swales to ensure that runoff is adequately contained on the Property.

F. The existing district boundaries in relation to existing conditions on the subject property:

The Property was previously used as a funeral home. Presently, the southeastern portion of the Property that is zoned Urban Waterfront is vacant. Changing the district boundary on this portion of the Property from Urban Waterfront to Urban Highway will have no impact on the existing conditions on the site because this area is presently vacant. Additionally, the proposed use as a hotel for the Property is permitted in both the Urban Highway and Urban Waterfront districts.

G. The existence of changed or changing conditions which make the passage of the proposed rezoning necessary and appropriate:

While the Property was owned by a single owner prior to my client's purchase of the Property, the site was three separate lots. My client joined these parcels under a Unity of Title, recorded in Official Records Book 3374, Page 45 of the Martin County Public Records. This Unity of Title was necessary to ensure the redevelopment potential of the Property. This change resulted in the lot containing two zoning districts – the Urban Highway district on the western and northern portions of the Property and the Urban Waterfront district on the southeastern portion of the Property. The two zoning districts, while permitting many of the same uses, have some conflicting and contradictory development standards. For example, Urban Highway requires that "parking areas shall be located behind the rear façade of a principal building",[7] while Urban Waterfront prohibits parking "between the rear building façade and the water."[8] These conflicting regulations for the two zoning districts on the Property prevent the ability to provide parking. This, along with the convenience of being governed by one set of zoning restrictions, necessitates the approval of this rezoning application.

H. The impact of the proposed rezoning upon living conditions in the adjacent neighborhood:

The proposed rezoning will not have a material impact on living conditions in the adjacent neighborhood. The immediately surrounding area along the Federal Highway corridor is mostly commercial in nature. The nearest residential

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[7] *See* Chapter III, Sec. 3.01.03(D)(3)(a), Urban highway, *Parking*, CITY OF STUART LAND DEVELOPMENT REGULATIONS (2024).

[8] *See* Chapter III, Sec. 3.01.03(E)(3)(a), Urban waterfront, *Parking*, CITY OF STUART LAND DEVELOPMENT REGULATIONS (2024).

neighborhood is along SW Channel Avenue. These properties are already accustomed to nearby commercial uses. Rezoning a portion of the Property from Urban Waterfront to Urban Highway will not result in material impacts to these adjacent properties. This is because the permitted uses in the two zoning districts are similar. Additionally, the proposed use as a hotel is permitted in both zoning districts. As such, the rezoning application will not result in negative impacts for living conditions in the adjacent neighborhood. Instead, granting this application will permit the redevelopment of a currently under utilized Property into an attractive hotel.

I. The impact of the rezoning upon the flow of light and air to adjacent areas:

The requested rezoning application will not impact the flow of light and air onto adjacent areas or properties if approved. As previously mentioned, the two zoning districts provide for similar uses. The proposed use of a hotel is permitted by either zoning district. While the Urban Highway and Urban Waterfront districts do diverge in some development standards, their building height limits are very similar. The Urban Highway district permits a principal building to be three stories, but if located along Federal Highway, the maximum building height could be four stories if all the parking is located in the rear of the building.[9] Similarly, the Urban Waterfront district's principal building height maximum is three stories, unless 50% or more of the building is residential or a hotel, in which case a fourth story is permitted.[10] Since the development standards for building height will remain very similar for the two districts and the proposed use of the property, granting the rezoning application will not materially change the flow of light and air to adjacent areas over what is permitted today.

J. The impact of the proposed rezoning upon property values in the adjacent area:

The requested rezoning application will not negatively impact adjacent property values but will likely *increase and improve* these property values. The Property currently contains a closed funeral home. The proposed redevelopment will include a modern hotel. The redevelopment of this Property will not only increase the lot's property value, but the values for adjacent areas. The hotel will bring guests to the Downtown Stuart area that will frequent nearby shops, restaurants, and attractions. This "trickle down" will help provide additional opportunities to nearby businesses and properties and increase nearby property values.

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[9] The maximum building height of a three-story building is 35 feet and 45 feet for a four-story building. *See* Chapter III, Sec. 3.01.03(D)(2)(a), Urban highway, *Principal Building Height*, CITY OF STUART LAND DEVELOPMENT REGULATIONS (2024).

[10] The maximum building height of a three-story building is 35 feet and 45 feet for a four-story building. *See* Chapter III, Sec. 3.01.03(E)(2)(a), Urban waterfront, *Principal Building Height*, CITY OF STUART LAND DEVELOPMENT REGULATIONS (2024).

K. The impact of the proposed rezoning upon improvement or development of adjacent property in accordance with existing regulations:

The rezoning of the Property will provide uniform zoning, permitting redevelopment in accordance with the City's regulations. This rezoning and planned redevelopment will not have a negative impact on improvement or development of adjacent properties. If anything, the redevelopment of this Property is likely to spur redevelopment and improvement of adjacent properties. Currently, the Property is an underutilized, former funeral home. The addition of a new hotel is more likely to encourage investment in the surrounding neighborhood than keeping the Property in its existing condition.

L. The existence of other adequate sites in the city for the proposed use in districts already permitting such use:

There are not many other properties within the City that are as uniquely qualified as this Property for redevelopment as a hotel. The Property is located near Downtown, along the Federal Highway corridor. Additionally, the Property's two existing zoning districts – Urban Highway and Urban Waterfront – currently permit the development of a hotel on the Property. Furthermore, the Property's size of over 1.5 acres is appropriate for a hotel. There are not many other properties within the City that are uniquely qualified with the appropriate size, location, and zoning for redevelopment into a hotel.

Thank you for consideration of the rezoning of a portion of the Property from Urban Waterfront to Urban Highway. Granting this rezoning application will permit my client to proceed with redeveloping the Property to a use that is currently permitted by both zoning districts present on the lot. However, denial of this rezoning application would create an undue hardship by forcing my client to abide by two zoning districts with conflicting regulations. The result of such denial would be the inability to redevelop the Property, a denial of the reasonable use of the land, and a dramatic reduction in value.

For these reasons and the responses contained herein, the City must grant approval of the requested rezoning application. If you have any questions or concerns regarding the foregoing, please do not hesitate contacting the undersigned.

Sincerely yours,

Jared Gaylord, Esq.
/JEG
Encl.